

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

THE JOHNS HOPKINS UNIVERSITY, a	:	Case No. 94-105 RRM
Maryland corporation, BAXTER	:	
HEALTHCARE CORPORATION, a Delaware:	:	
corporation, and BECTON DICKINSON	:	
AND COMPANY, a New Jersey corporation,:	:	
	:	
Plaintiffs,	:	
	:	
	:	
v.	:	
	:	
CELLPRO, INC., a Delaware corporation,	:	
	:	
Defendant.	:	
	:	

DECLARATION OF DR. THOMAS SHEA

DECLARATION OF DR. THOMAS SHEA

I, Thomas Shea, M.D., do hereby declare that:

1. I am an oncologist at the University of North Carolina School of Medicine at Chapel Hill. A copy of my curriculum vitae is attached.

2. I am acquainted with the capabilities of the CEPRATE® SC stem cell concentrator. My familiarity with that device is based on having participated in clinical trials treating patients with non-Hodgkin's lymphoma using high dose chemotherapy followed by autologous transplantation of cells selected using the CEPRATE® SC device. This was approved by the National Cancer Institute and the Food and Drug Administration, and was investigator sponsored.

3. One of the most important problems facing oncologists using treatment regimens which include autologous stem cell transplantation is the relatively high cancer reoccurrence rate.

4. By positively selecting for non-malignant CD34 cells, the CEPRATE® SC device provides an alternative approach to the traditional attempts at removing tumor cells by purging them from the infusion product. This may help reduce reoccurrence rates. The CEPRATE® SC device also lessens the reinfusion toxicity associated with conventional transplantation methods.

5. I am currently utilizing the CEPRATE® SC device in an FDA approved clinical trial and intend to incorporate the CEPRATE® SC device in future studies using autologous transplantation with different conditioning regimens.

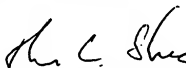
6. Having an FDA approved product, with demonstrated safety, such as the CEPRATE® SC device, facilitates the institutional review board approval and conduct of such studies.

7. The amount of reduction in reoccurrence rates provided by tumor purging will take years to study. Since the CEPRATE® SC device is the only device available that provides such purging, its continued availability is important to the evaluation of resulting improvements in patient outcome.

8. I have also used the CEPRATE® LC laboratory device for initial purging studies. The ability of the CEPRATE® LC device enhanced my ability to develop treatment protocols using the CEPRATE® LC device.

I further declare subject to the penalty of perjury that the foregoing is true and correct.

Executed April 8, 1997 at Chapel Hill, North Carolina.



Thomas Shea, M.D.

Curriculum Vitae
THOMAS CHARLES SHEA, M.D.

Home Address: 1 Buttons Lane
Chapel Hill, N.C. 27514

Office Address: Division of Hematology/Oncology
U.N.C. Chapel Hill
CB #7305, 3009 Old Clinic Bldg.
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Date of Birth: September 17, 1952

Place of Birth: Philadelphia, PA

Soc. Sec. No: 134-42-5501

Education:

1970-1973	B.A. with Honors, University of North Carolina, Chapel Hill
1974-1978	M.D., University of North Carolina, Chapel Hill
1978-1979	Staff Physician, Hospital Gray Moravo, Porto Cabezas, Nicaragua
1979-1980	Medical Intern, North Carolina Memorial Hospital
1980-1982	Medical Resident, Beth Israel Hospital, Boston

Fellowships:

1982-1983	Clinical Fellow in Medicine, Harvard Medical School
1982-1983	Clinical Fellow, Dept. of Medicine, Beth Israel Hospital
1983-1985	Research Fellow in Medicine, Harvard Medical School
1983-1985	Research Fellow, Dept. of Medicine Beth Israel Hospital
1986-1988	Pharmaceutical Manufacturers Association Foundation Fellowship for Careers in Clinical Pharmacology

Staff Appointments:

1985-1988	Instructor in Medicine, Dana Farber Cancer Inst, Beth Israel Hosp Boston, MA
1988-1992	Director and Founder, Program in Bone Marrow Transplantation, University of California at San Diego.
	Assistant Professor of Medicine, University of California, San Diego
1992-	Associate Professor of Medicine, UNC, Chapel Hill (UNC-CH)
1992-	Director and Founder, Bone Marrow and Stem Cell Transplant Program, UNC-CH
1994-1996	Service Chief, Medical Oncology and Bone Marrow Transplantation Services, UNC-CH
1995-	Program Director in Clinical Research, UNC/Lineberger Comprehensive Cancer Center, UNC-CH
1995-	Associate Division Chief, Hematology/Oncology, UNC-CH